



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PEPPER HAMILTON LLP  
ONE MELLON CENTER, 50TH FLOOR  
500 GRANT STREET  
PITTSBURGH PA 15219

**MAILED**

**DEC 01 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Kaesemeyer :  
Application No. 09/605,599 : DECISION ON PETITION  
Filed: June 28, 2000 : UNDER 37 CFR 1.182  
Attorney Docket No. 126625.0070t(formerly :  
257 :

This is a decision on the renewed petition under 37 CFR 1.182, filed September 28, 2010, requesting entry of an amendment to the specification to insert a reference to an earlier-filed application pursuant to the provisions of 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

The above-noted abandoned application failed to make a specific reference to the prior-filed application; namely, U.S. App. No. 09/293,392, filed April 16, 1999, prior to abandonment. Petitioner now requests that the abandoned application be amended by inserting a reference to the earlier-filed application.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. See, Sampson v. Comm'r for Patents, 195 USPQ 136 (D.D.C. 1976).

The request for entry of an amendment to insert a reference to the above-noted, earlier-filed application cannot be granted at this time because the amendment as filed still contains errors, including an incorrect application serial number and incorrect patent issue date.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date indicated above and must include the necessary amendment to the specification.

Any inquiries concerning this decision may be directed to Alesia M. Brown at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Chris Bottorff". The signature is written in a cursive, flowing style.

Chris Bottorff  
Supervisor  
Office of Petitions